

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**


DONALD EARL SMITH,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 3:13CV341-HEH
	)	
UNITED STATES,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**  
**(Dismissing Without Prejudice 28 U.S.C. § 2241 Petition)**

Petitioner, a federal inmate proceeding *pro se*, submitted a 28 U.S.C. § 2241 petition. On September 3, 2013, the Court received a Motion to Withdraw 28 U.S.C. § 2241 Without Prejudice. It was not clear whether Petitioner submitted the Motion to Withdraw. Therefore, by Memorandum Order entered on October 8, 2013, the Court informed Petitioner that if he wished to continue to prosecute of the present action, within eleven (11) days of the date of entry thereof, he must file a statement informing the Court of his desire to continue with the action. The Court informed Petitioner that in the absence of such a statement, the Court would dismiss the action without prejudice. More than eleven (11) days have elapsed since the entry of the October 8, 2013 Memorandum Order and the Court has not received a response from Petitioner. Accordingly, the Court will dismiss the action without prejudice.

An appropriate Order shall issue.

Date: Oct. 22, 2013  
Richmond, Virginia

  
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HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE